

REMARKS

The Examiner has rejected Claims 1 and 6 pursuant to 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant has amended Claim 1 by modifying the element denominated as "elongate lens assembly" as such appears in Lines 5 and 13 of the claim above by additionally referencing an "endoscope" as being the type of assembly contemplated to be within the intended scope of the claim language. Applicant has also amended Claim 1 by modifying the antecedent basis for "annular opening" in Line 2 and spanning Lines 8 and 9 of the claim above. Applicant has deleted the claim language "the outer surfaces" in Line 10 of the claim above, as this limitation is no longer deemed necessary. Claim 6 (now cancelled) has been incorporated into Claim 1 with the correction of "the range" to "a range" in Line 16 of the claim above. Applicant believes that all of the technical deficiencies of the various claims have been addressed and the amendments are requested to be entered of record.

The Examiner has also rejected Claims 1 - 8 pursuant to 35 U.S.C. § 103(a) as being unpatentable for obviousness over U.S. Patent 5,792,045 [Adair]. Claims 5 and 6 have been cancelled and incorporated in substantial part into Claim 1. Applicant respectfully traverses the stated rejections for the following reasons.

Adair discloses only a hard lens or "window" for separation of the endoscope and the lens coupling apparatus. There is absolutely no mention of any flexible, elastomeric lens and barrier stretched across and in between the coupler and the endoscope either in the cited section of Adair, i.e. Col. 8, Lines 4-37 and Fig. 15, or anywhere else in Adair. Further, the Examiner has failed to cite to any reference that discloses an elastomeric film having the recited

properties of the present invention. Lacking any reference to properly combine with the Adair reference, there is no reasonable basis for rejecting Claim 1, as amended.

The elastomeric film of the present invention is made from a very limited number of polymeric compounds that were tested to determine whether the elastomeric urethanes could withstand the requirements of mounting and dismounting bayonet or twist-type mountings between an endoscope and camera system coupler with the elastomeric film interposed between while stretched across the annular opening of cooperating ring retainers. In doing so, the elastomeric film made from the urethane compounds exhibited the recited limitations of elastic memory and substantially no distortion while maintaining visual acuity, i.e. optical transparency, which is normally exhibited only in hard lenses. In amending Claim 1 to affirmatively recite the optical acuity and resiliency limitations of the elastomeric film, the Adair disclosure is clearly surpassed as to patentability of the present invention as the cited reference describes only a hard lens or open window along the view line from camera system to endoscope.

The Examiner has offered no published reference describing the elastomeric film barrier and lens having the properties and characteristics recited in the claims. Absent such reference, the Examiner's opinion regarding obviousness of the invention is without sufficient basis to support the rejection. Further, plastic films used for wrapping foodstuffs may be made from materials similar to those called for in the application, but these films also distort light rays and, while transparent to the human eye, do not pass all bandwidths of light equally which is necessary for retaining optical transparency as required by the present invention.

Applicant states that the present invention of an elastomeric film having a retained visual acuity, or optical transparency, after repeated mountings and dismountings has not been

disclosed, taught, suggested or described anywhere in prior literature or printed references as it did not exist until Applicant began experimenting with the material as a substitute for the hard lens systems in use today. Applicant is unaware of any prior reference or use of a similar material disclosing or having, respectively, the same characteristics and properties recited in amended Claim 1. Absent any such reference, the article of manufacture and the combined use of the recited elements in an apparatus with the recited characteristics and properties are novel, non-obvious inventions that are patentable. The Examiner is respectfully requested to withdraw the present reasons for rejections and pass the amended claims to allowance.

The claims have been amended to include the limitations of now cancelled Claims 5 and 6 in substantial part into Claim 1. Claim 1 now recites a barrier and lens comprised of an elastomeric film having certain enumerated properties that Adair does not disclose or suggest. Adair utilizes a solid, non-flexible lens coupling device that is in no way similar to the flexible, elastomeric film barrier and lens of the present invention. In view of these amendments, Applicant submits that Claim 1 recites a novel combination of elements functioning in a novel and non-obvious manner.

New Claims 9 - 12 have been added that recite an article of manufacture, the elastomeric film barrier and lens having the recited special properties and being mountable into an endoscope/camera system to protect the camera from contamination. The elastomeric film has the same properties and required visual acuity after repeated mountings and dismountings of endoscopes from the camera system. Dependent Claims 10 - 12 parallel the earlier Claims 4, 7 and 8. The inventions residing in these new claims are also believed to recite novel combinations of elements functioning in a novel and non-obvious manner.

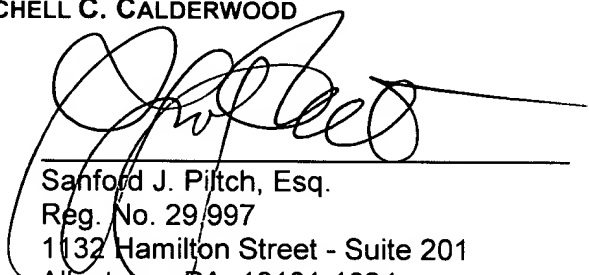
For the reasons set forth above, entry of each of the amendments is respectfully requested. In view of the amendments and the foregoing argument concerning the correctness and applicability of the grounds of rejection set forth by the Examiner in the most recent Office Action favorable reconsideration of this application and an early NOTICE OF ALLOWANCE is earnestly solicited.

Respectfully submitted,

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DATE: May 6, 2003

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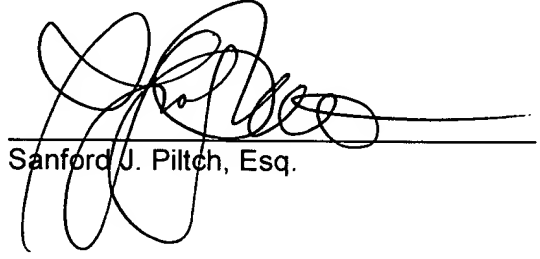
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